
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SAN AUGUSTINE MARTINEZ,

§

Plaintiff,

§

versus

§ CIVIL ACTION NO. 1:08-CV-752

WARDEN ALFORD, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff San Augustine Martinez, a prisoner confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Warden Alford, unit administrators, Nathaniel Quartermann, Madeline Ortiz, and unidentified defendants.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 2nd day of March, 2009.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE